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BY ECF

Honorable Laura Taylor Swain
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *Nunez, et al. v. City of New York et al.*, 11-cv-5845 (LTS)

Dear Chief Judge Swain:

The parties write jointly to provide the Court with a status update as to outstanding discovery issues.

Defendants have designated various documents as “Confidential Materials” pursuant to the Amended Protective Order (See ECF No. 89) and asserted that additional documents should be designated as “Attorneys’-Eyes-Only.” The parties have discussed a proposed protective order to govern this designation. Should the parties be unable to reach an agreement, Defendants will provide the Court with a proposed protective order on September 27, 2023. Defendants have agreed that the Monitor will provide plaintiff with the requested documents and plaintiffs will hold documents for which the Defendants assert an “Attorneys’-Eyes-Only” designation pending entry of a protective order. Defendants have further asserted law enforcement privilege applies to additional documents requested by plaintiff. The parties have agreed that defendants will submit a brief to the Court on September 29, 2023 addressing the applicability of law enforcement privilege.

Thank you for your consideration of this matter.

Respectfully submitted,

/s/

John Schemitsch

cc: BY ECF
All counsel of record